

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

WILLIAM C. BOND,

Plaintiff

v.

Case No.: MJG-01-CV-2600

KENNETH BLUM, SR., ET AL.,

Defendants

* * * * *

**DEFENDANTS' OPPOSITION TO WILLIAM BOND'S MOTION
FOR TEMPORARY RESTRAINING ORDER**

Defendants, Adelberg, Rudow, Dorf & Hendler, LLC ("Adelberg Rudow"), Kenneth Blum, Sr., Kenneth Blum, Jr., Dudley F. B. Hodgson, and McDaniel, Bennett & Griffin, by their undersigned attorneys, hereby file this Opposition to William Bond's Motion for Temporary Restraining Order ("Motion"), and for cause state:

Background

1. The above-captioned action was filed on August 29, 2001 by Bond and on November 27, 2001, the Court entered judgment in favor of all Defendants and dismissed all of Bond's claims with prejudice.

2. On January 4, 2002, the Court denied Bond's Motion to Alter or Amend Judgment.

3. On January 31, 2002, Bond filed a Notice of Appeal.

4. On January 24, 2003, the Court of Appeals for the Fourth Circuit affirmed this court's judgment in favor of all defendants. *Bond v. Blum*, 317 F.3d 385 (4th Cir. 2003), *cert. denied*, 540 U.S. 820 (2003).

5. On or about May 6, 2003, this Honorable Court granted Adelberg Rudow a judgment against Bond in the amount of \$69,350.44 and McDaniel Bennett and Griffin a judgment in the amount of \$83,667.65 for attorneys' fees arising out of Bond's prosecution of this frivolous copyright infringement case against Adelberg Rudow and others. Bond subsequently appealed this judgment for attorneys' fees to the United States Court of Appeals for the Fourth Circuit, which affirmed the District Court.

6. According to the Docket Report for this action, the case terminated on May 6, 2003.

7. Since that time, all papers filed in this action have related either to various Defendants' claims for attorneys' fees or writs of garnishment filed against Bond.¹

Argument

8. Bond's Motion is untimely and without any merit. Bond fails to appreciate that his claims were ruled upon and affirmed on appeal several years ago. The current crop of motions is simply the continuation of his baseless and vexatious litigation against these Defendants.

9. Defendants hereby adopt and incorporate their responses to Bond's motions for reconsideration pursuant to Federal Rule of Civil Procedure 60(b), recusal (which this Court has already denied), and for preliminary injunction.

10. By his Motion, Bond requests that the Court temporarily order the relief requested in Bond's motion for permanent injunction, to wit that the Court order all copies of the manuscript in the copyright case returned to the Court and for those people who supplied copies of the manuscript

¹ As the Court is aware, Bond has filed multiple actions against these parties, all of which have proved without merit. Indeed, Adelberg Rudow and co-Defendant McDaniel Bennett & Griffin are now defending an appeal in the United States Court of Appeals for the Fourth Circuit of this Court's ruling filed by Bond's counsel over approximately \$15,000 in counsel fees. Bond has filed various state court actions as well, all of which have been unsuccessful against Adelberg, Rudow and co-Defendant McDaniel Bennett & Griffin.

in any litigation to account under oath for all disseminations. Bond fails to articulate any legal or factual basis for his request.

11. Notwithstanding the lack of any basis for his Request, the relief Bond now requests was already adjudicated and denied to him by this Court, which held that the "fair use doctrine" precluded his claims. This Court's ruling was affirmed on appeal. Bond had the opportunity to litigate these arguments and lost.

12. The relief Bond now requests would constitute an impermissible collateral attack on this Court's previous judgment. Moreover, the statute of limitations for Bond's claims has long since passed.

13. Notwithstanding the lack of any basis or evidence supporting Bond's requests, Bond fails to comply with the Federal Rules of Civil Procedure. FRCP 65(b) states that a temporary restraining order may be granted only if, *inter alia*, "it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the applicant" (underscore added).² Bond has failed to comply with FRCP 65 inasmuch as there has been no showing by specific facts of immediate and irreparable harm. (Nor has there been any showing of likelihood of success on the merits or why public policy favors issuing an injunction in these circumstances.)

14. Finally, this action was closed several years ago. There is no pending case pursuant to which Bond could seek any relief whatsoever. Bond should have filed any request for relief during the pendency of the copyright action while he was represented by counsel. His Motion is untimely, moot and without basis. Bond's Motion should be denied.

² It goes without saying that there is no complaint - verified or otherwise.

WHEREFORE, Defendants hereby request that this Honorable Court deny William Bond's Motion for Temporary Restraining Order, and award all further relief this Court deems appropriate.

Respectfully submitted,

_____/s/_____
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Counsel for Kenneth Blum, Sr., et al.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 11th day of May, 2007, a copy of the foregoing Opposition to the Motion for Temporary Restraining Order was served by first class mail on the following:

William C. Bond
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_____/s/_____
Michael R. Severino

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ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER

Upon consideration of the Motion for Temporary Restraining Order filed by William Bond,
and the Opposition thereto filed by Defendants, it is this ____ day of _____, 2007,

ORDERED, that the Motion for Temporary Restraining Order shall be and is hereby
DENIED.

Judge
United States District Court
for the District of Maryland